

** SECTION 362 INFORMATION SHEET **

Ronald Hatcher and Debra Hatcher
DEBTOR(S)

Chapter 13
Case No.: 09-17282-bam

U.S. Bank, N.A.

MOVANT

PROPERTY INVOLVED IN THIS MOTION: 7364 Salvadora Place, Las Vegas NV 89113

NOTICE SERVED ON: Debtor(s) x ; Debtor (s) Counsel x ; Trustee x

DATE OF SERVICE: _____

MOVING PARTY'S CONTENTIONS:

The EXTENT and PRIORITY of LIENS:

1st U.S. Bank, N.A. (PB \$619.194.80)

2nd Wells Fargo (PB \$73.154.00)

3rd_GECCCC (PB \$33,933.00)

Other _ IRS (PB \$2,500.00)

Total Encumbrances: \$728,781.80

APPRAISAL or OPINION as to VALUE:

“Per attached Schedule “A” \$425,654.00

TERMS OF MOVANT'S CONTRACT
WITH THE DEBTOR

Amount of Note: \$585,233.00

Interest Rate: 6.5

Duration: 30 Year

Payment Per Month: \$ 4,582.33

Date of Default: June 1, 2009

Amount of Arrearages: \$39,041.76

Date of Notice of Default: March 6, 2008

SPECIAL CIRCUMSTANCES: 1, Gregory L.

Wilde, hereby certify that an attempt has been made to confer with debtor(s) counsel, or with debtor(s) and that more than two (2) business days have expired, and that after sincere effort to do so, counsel has been unable to resolve this matter without court action.

SUBMITTED BY: _____

SIGNATURE:

DEBTOR'S CONTENTIONS:

The EXTENT and PRIORITY of LIENS:

1st 619, 194

2nd 73, 154 00

Total Encumbrances: \$ 728,781

APPRAISAL or OPINION as to VALUE:

425,654⁰⁰

OFFER OF "ADEQUATE

PROTECTION" FOR MOVANT:

Cure arrears thru an
APO
Make next monthly
payment timely,
stay current

SPECIAL CIRCUMSTANCES:

SUBMITTED BY: A Nework

SIGNATURE: _____

1 NEWARK & NEWARK LAW FIRM
RICHARD C. NEWARK, ESQ.
2 Nevada Bar #002763
NARRAH F. NEWARK, ESQ.
3 Nevada Bar #008201
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6 Attorneys for Debtor(s)

E-Filed on February 5, 2010

7 UNITED STATES BANKRUPTCY COURT

8 DISTRICT OF NEVADA

9 In re:) Chapter 13
Case No. 09-17282-bam
10 RONALD HATCHER)
DEBRA HATCHER)
11 Debtor(s).) DATE: 2/23/2010
12 TIME: 1:30 p.m.

13 OPPOSITION TO MOTION FOR RELIEF FROM AUTOMATIC STAY

14 COMES NOW, the Debtors, RONALD HATCHER and DEBRA HATCHER, by and
15 through their attorneys, NARRAH F. NEWARK of NEWARK & NEWARK LAW FIRM, and
16 respectfully request this Court to deny the MOTION FOR RELIEF FROM THE
17 AUTOMATIC STAY filed by US BANK NA, by and through its attorneys, GREGORY L.
18 WILDE of WILDE & ASSOCIATES and TIFFANY & BOSCO.

19 POINTS AND AUTHORITIES

20 11 USC Section 362 (d) (1) states that the Court may terminate, modify or condition
21 stay

22 "for cause, including the lack of adequate protection of an
23 interest in property of such party in interest;---"

24 11 USC Section 362 (d) (2) the Court may terminate, modify or condition a stay

25 "with respect to a stay of an act against property under
subsection (a) of this section, if-

26 (A) the debtor does not have an equity in such
property AND

27 (B) such property is not necessary to an effective
28 reorganization

STATEMENT OF FACTS

Debtors' property has liens of approximately \$728,781,80 for the property located at 7364 Salvadora Place, Las Vegas, NV 89113, and the home is necessary for an effective reorganization. Debtors believes that they may have minimal equity in the property.

11 USC Section 362 (d) (1) may apply as:

1. Debtors acknowledge that if they are late on the post petition mortgage payments, she will need some time to acquire the necessary funds to cure all post-petition arrearages.

2. Debtors' intention is to stay current on future post-petition mortgage payments.

THEREFORE, Debtors request that the motion filed be denied under 11 USC Section (d) (1) or (2), and that any action on creditor's behalf be stayed for an adequate amount of time to allow Debtors to become current on the post petition mortgage arrearages, if necessary, and/or to Stipulate to an Order Re Adequate Protection.

Respectfully submitted:

NEWARK & NEWARK

By: /s/ NARRAH F. NEWARK
NARRAH F. NEWARK, ESQ.
NB#008201
Attorney for Debtor(s)

**CERTIFICATE OF MAILING OF OPPOSITION TO MOTION
FOR RELIEF FROM AUTOMATIC STAY**

I hereby certify that on February 5, 2010, I faxed and mailed a true and correct copy by facsimile and by first class mail, postage prepaid, to the below named the
OPPOSITION TO MOTION FOR RELIEF FROM AUTOMATIC STAY:

US Bank
c/o Greg Wilde, Esq.
Wilde & Associates
208 S. Jones
Las Vegas, NV 89107
VIA FACSIMILE & ECF

Rick Yarnall, Trustee
701 E Bridger #820
Las Vegas, NV 89101
VIA ECF

Ronald and Debra Hatcher
7364 Salvadora Place
Las Vegas, NV 89113

/s/ Betsy L. Smith
An employee of NEWARK & NEWARK LAW FIRM